

REMARKS

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. After amending the claims as set forth above, claims 1-5 and 7-21 are now pending in this application.

Applicants wish to thank the Examiner for the careful consideration given to the claims.

Rejections based on Bossel

Claims 1-15 and 17-21 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,344,290 ("Bossel"). Claim 16 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Bossel. For at least the following reasons, this rejection is traversed.

Claim 1 (as amended) recites, among other things, a cell plate, an electroconductive gas separator, and a holder member. The cell plate is provided with: a supporting body including a porous metal plate and an inner annular bulk metal member which is a gas impermeable member; and a cell formed on the supporting body. The cell includes a solid electrolyte layer, a cathode substance layer formed on one surface of the solid electrolyte layer, and an anode substance layer formed on the other surface of the solid electrolyte layer. The electroconductive gas separator cooperates with the cell plate, to form a gas passage. The holder member holds the supporting body of the cell plate at the inner annular bulk metal member thereof. Due to such a specific structure of claim 1, the undue stress to the cell plate including the cell and the porous substrate during the actual usage of the fuel cell to which the vibration and heat are applied can be restrained and, as a result, the fuel cell with high reliability can be obtained.

Bossel does not teach or suggest this combination of features. Bossel relates to a fuel cell stack with solid electrolytes. The electric power generating elements of Bossel each including an electrolyte 17, a cathode 18 and an anode 19 formed on a gas-permeable substrate 2 are stacked alternately with respective separating plates 1 between an end plate 29 and an initial plate 30. (Fig. 6 of Bossel.) The fuel cell stack of Bossel is held via the gas-permeable substrates 2 by respective annular seals 23 at a central portion and via the electric power elements by the separating plates 1 between the end plate 29 and the initial plate 30

and with the aid of the plate springs 31 and the helical spring 32. Bossel does not teach or suggest, for example, “a supporting body including a porous metal plate and an inner annular bulk metal member which is a gas impermeable member” or “a holder member holding the supporting body of the cell plate at the inner annular bulk metal member thereof.” For instance, the gas-permeable substrate 2 of Bossel (which the PTO considers to be the supporting body of claim 1) does not include an inner annular bulk metal member which is a gas impermeable member. Because Bossel does not teach or suggest this combination of features, claim 1 is allowable over Bossel.

Claims 2-5 and 7-21 depend from and contain all the features of claim 1, and are allowable for the same reasons as claim 1, without regard to the further patentable features contained therein.

Claim 6 has been canceled, which renders the rejection of this claim moot.

For at least these reasons, favorable reconsideration of the rejection is respectfully requested.

Conclusion

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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